

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|             |   |                         |
|-------------|---|-------------------------|
| IN RE:      | ) | CHAPTER 11 PROCEEDING   |
|             | ) |                         |
| AMIT GAURI, | ) | CASE NO. 21-3680        |
|             | ) |                         |
| DEBTOR.     | ) | HONORABLE JANET S. BAER |

**NOTICE OF MOTION**

TO: See attached list

PLEASE TAKE NOTICE that on **Wednesday, July 19, 2023, at 10:00 a.m.**, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the **MOTION OF THE UNITED STATES TRUSTEE TO EXAMINE FEES PAID TO ATTORNEY PURSUANT TO 11 U.S.C. § 329(b)**, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID.

**Meeting ID and password.** The meeting ID for this hearing is 160 731 2971 and the passcode is 587656. The meeting ID and further information can also be found on Judge Baer's web page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ M. Gretchen Silver  
M. Gretchen Silver, Attorney  
Office of the U.S. Trustee  
219 S. Dearborn Street  
Chicago, Illinois 60604  
(202) 384-6750

**CERTIFICATE OF SERVICE**

I, M. Gretchen Silver, an attorney, certify under penalty of perjury that I caused a copy of this notice, attached motion and proposed order to be served on each entity shown on the attached service list at the address shown and by the method indicated on July 10, 2023, before 5:00 p.m.

*/s/ M. Gretchen Silver*

**SERVICE LIST**

**Registrants Served Through the Court's Electronic Notice for Registrants:**

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| Abraham Brustein    | <a href="mailto:abrustein@robbinsdimonte.com">abrustein@robbinsdimonte.com</a> , <a href="mailto:jtronina@robbinsdimonte.com">jtronina@robbinsdimonte.com</a>                                                                                                                                                                                                                                                            |
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**Parties Served via First Class Mail:**

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| IN RE:      | ) | CHAPTER 11 PROCEEDING   |
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**MOTION OF UNITED STATES TRUSTEE TO EXAMINE FEES  
PAID TO ATTORNEY PURSUANT TO 11 U.S.C. § 329(b)**

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by his attorney, M. Gretchen Silver, and moves this Court, pursuant to 11 U.S.C. Section 329 and Fed. R. Bankr. P. 2017, to examine the fees paid to attorney Paul M. Bauch. (“**Bauch**”), in connection with this case and for other relief. In support thereof, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. §157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(A) of the United States District Court for the Northern District of Illinois’s Internal Operating Procedure 15(a) and Local Rule 40.3.1.
2. Movant is the U.S. Trustee for the Northern District of Illinois, who is charged with supervising the administration of bankruptcy cases under 28 U.S.C. § 586(a)(3). The U.S. Trustee has standing to bring and be heard on the issues presented herein under 11 U.S.C. § 307.
3. The bases for the relief requested herein are 11 U.S.C. § 329(b) and Rule 2017(b) of the Federal Rules of Bankruptcy Procedure.
4. This Court has jurisdiction to consider this motion pursuant to 28 U.S.C. § 1334.

5. The Debtor initiated this case on March 22, 2021 (the “Petition Date”), by filing a voluntary petition for relief under Chapter 11 of the Code. After the Debtor failed to confirm his plan for lack of good faith, among other findings, the Court granted the U.S. Trustee’s Motion to Convert and converted the case to a Chapter 7 case on November 16, 2022.

6. At all times relevant, the Debtor has been represented by Paul M. Bauch (“**Debtor’s Counsel**”).

7. Three months after conversion, on February 13, 2023 at Docket 346, Debtor’s Counsel filed a Supplemental Disclosure of Compensation pursuant to Fed.R.Bankr.P. 2016(b). Attached to the disclosure was Debtor’s Counsel’s original retention agreement and a later retention agreement dated November 17, 2022 (Final Retention Agreement). The Final Retention Agreement referred to a \$150,000 retainer but did not identify its source. The Supplemental Disclosure identified the source of the \$150,000 retainer was the three individuals who had posted funds for the Debtor in connection with the confirmation hearing: Donofrio, Kusnic, and Siddu. Debtor’s Counsel filed no documentation relating to their funds or their consent to the use of their funds for payment of his attorney fees in connection with his Supplemental Disclosure, or since.

8. Section 329(a) of the Bankruptcy Code authorizes this Court to examine the fees paid to an attorney in connection with a bankruptcy case and provides that, to the extent the amounts paid exceed reasonable value of the services rendered, this Court can cancel any agreement between the Debtor and counsel and order the return of any excessive payment.

9. In his Response to the Trustee’s Motion for Turnover (Dkt. 421), Debtor’s Counsel stated that he has applied the funds to the “Debtor’s ongoing legal expenses...” The U.S. Trustee believes it is appropriate for the Court to examine the reasonableness of any fees the Debtor may have paid to Mr. Bauch.

**WHEREFORE**, the U.S. Trustee respectfully requests that this Court examine the compensation agreements, the services provided to the Debtor by Debtor's Counsel, and the fees paid to Debtor's Counsel pursuant to 11 U.S.C. § 329 and to grant such further relief as this Court deems just.

RESPECTFULLY SUBMITTED:  
PATRICK S. LAYNG  
UNITED STATES TRUSTEE

DATED: July 10, 2023

By: /s/ M. Gretchen Silver  
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